IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 205 OF 2006

Bhagirthibai Jagannath Patil
And Others .. Petitioner.

Versus

Indrajeet Chhabra & Ors. .. Respondents.

Mr.Rohit Kadam i/b.U.P.Warunjikar for petitioners.

Mr.V.K.Gupta for respondents.

CORAM : R.M. SAVANT, J.
DATE : 11th June, 2007.

P.C.

1. By this petition filed under Articles 226 & 227 of the Constitution of India, the petitioners abovenamed impugn the order dated 1st October, 2005 passed by the Appellate Bench of the Small Causes Court, Mumbai. By the said order, the application filed by the petitioners being Misc.Application No.2522 of 2004 was forwarded to the Trial Court for adjudication under Order 22 Rule 5 and 7 of Code of Civil Procedure with a direction that the Trial Court

to consider the claim of the applicants while deciding the claim of heirs and legal representatives of deceased respondent as per earlier order.

2. It is the case of the petitioners that they applied for heirship in the Court of Civil Judge, Sr.Division, Karad and that the said application is pending for adjudication. On the other hand, it is the case of the respondents that they have obtained Letters of Administration No.279 of 2006 from this Court on 25th September, 2006, which are annexed to the affidavit in reply as Exh."C". The learned counsel for respondents further contends that a Misc.Civil Application No.33 of 2006 filed by the petitioners abovenamed for identical reliefs has already been rejected by this Court (D.G.Karnik, J.) vide its order dated 16th November, 2006, thereby the prayer for clubbing the proceedings and for transfer of the application to the Civil Court Karad has been

rejected. Therefore, the prayer made by the petitioners in the instant petition is misconceived and misfounded.

3. In that view of the matter, I do not see any merit in the petition. Petition is, therefore, summarily dismissed.

(R.M.SAVANT, J.)